

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA

v.

JAKE TRUNG TRA

Defendant.

Case No. 1:23-MJ-177

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT**

I, Serena Liss, a Special Agent with Department of Homeland Security, Homeland Security Investigations, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I Submit this affidavit in support of a criminal complaint charging **JAKE TRA**, of North Carolina, with transporting visual depictions of minors engaging in sexually explicit conduct, in violation of 18 U.S.C. §§ 2252(a)(1) and (b)(1). For the reasons set forth below, I submit that probable cause exists to believe that on or about August 30, 2023, **TRA** knowingly transported child pornography into the Eastern District of Virginia from a foreign country.

2. I am a Special Agent with the U.S. Homeland Security Investigations (HSI), and I have been so employed since 2022. I am currently assigned to the Office of the Special Agent in Charge, Washington, DC/Northern Virginia, and I have investigated crimes relating to child exploitation on the Internet. As part of my current duties as an HSI agent, I investigate criminal

violations relating to child exploitation and child pornography, including violations pertaining to illegal distribution, receipt, transportation, possession, and access with intent to view of child pornography, in violation of 18 U.S.C. § 2252. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography, as defined in 18 U.S.C. § 2256, including computer media. Through my experience and training, I can identify child pornography when I see it. I have training and experience in the enforcement of the laws of the United States, including the preparation, presentation, and service of subpoenas, affidavits, criminal complaints, search warrants, and arrest warrants. As a federal agent, I am authorized to investigate violations of laws of the United States and, as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States.

3. The facts and information in this Affidavit are based upon my personal observations, my training and experience and information obtained from other agents and witnesses. This affidavit is intended to show simply that there is sufficient probable cause for the arrest and does not set forth all my knowledge about this matter.

STATUTORY AUTHORITY

4. I know that Title 18 U.S.C. §§ 2252(a)(1) and (b)(1) prohibit any person from knowingly transporting or shipping using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

5. I also know that the term “minor” is defined in 18 U.S.C. § 2256(1) as any person under the age of 18 years.

6. “Sexually explicit conduct,” I know, is defined in 18 U.S.C. §2256(2) as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the anus, genitals, or pubic area of any person.

7. I know that the term “visual depiction” is defined in 18 U.S.C. § 2256(5) as undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. Moreover, I know that the term “child pornography,” is defined in 18 U.S.C. § 2256(8), as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

SUMMARY OF PROBABLE CAUSE

9. On or about August 30, 2023, **TRA** arrived at Dulles International Airport (Dulles),

which is located within the Eastern District of Virginia, on a flight from Japan. **TRA** intended to travel from Dulles to North Carolina, where he resides.

10. Pursuant to their border search authority,¹ U.S. Customs and Border Protection (CBP) officers escorted **TRA** into the CBP secondary inspection area to search **TRA**'s baggage and person for contraband. CBP officers located an Apple iPhone 14 Pro (S/N JY7X23MX2F, IMEI355063663392628) (hereinafter, the "iPhone") in **TRA**'s possession, on his person.

11. **TRA** voluntarily provided CBP officers the passcode to his iPhone. CBP officers performed a manual search of the iPhone and in so doing observed a video that appeared to depict a minor engaging in sexually explicit conduct. CBP officers notified HSI about the suspected child pornography.

12. Your affiant responded to Dulles and conducted a manual inspection of **TRA**'s iPhone. In **TRA**'s iPhone, I observed a folder with a title that appeared to be in Chinese. I used a Google translate application, which translated the Chinese title to "Download." This folder was inside the File App and was the only folder out of ten folders with a Chinese title—the rest were in English. Within the Download folder, I observed ten videos depicting minors engaging in sexually explicit conduct, including:

- a. A video, which depicted a male child, who appears to be approximately 8-10 years of age based on his facial features and small stature, touching an

¹ Based on a National Targeting Center lookout, which was monitoring online activity related to child sexual abuse material, **TRA** was identified for secondary screening upon entry to the United States.

adult's erect penis. The child was identified as a minor by his young facial features and small body; and

- b. A video, which depicted an adult male penetrating a minor's anus.

13. **TRA** was escorted to an interview room in the CBP secondary area. After being read his *Miranda* warnings, **TRA** agreed to speak with HSI agents. The interview was audio recorded. During this interview, **TRA** made several admissions and statements, including the following:


- a. **TRA** stated he used Twitter to download pornography onto his cell phone.
- b. **TRA** stated he did not explicitly search for child pornography on Twitter, but he admitted he downloaded the videos that came up on his Twitter feed.
- c. **TRA** stated he used links from Telegram to view pornography, and automatically downloaded those videos onto his cell phone.
- d. **TRA** was asked if he used Telegram to join any online groups and **TRA** did not answer.
- e. **TRA** stated he currently resides with his 11-year-old cousin.

14. Because **TRA's** iPhone contained contraband (i.e., child pornography) HSI seized the iPhone for further forensic examination.

CONCLUSION


15. Based on the forgoing, I submit that there is probable cause to believe that on or about August 30, 2023, **JAKE TRA** knowingly transported visual depictions of minors engaging in sexually explicit conduct from a foreign country into the Eastern District of Virginia, in violation of 18 U.S.C. §§ 2252(a)(1) and (b)(1). I, therefore, respectfully request that a criminal complaint and arrest warrant be issued for **TRA**.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Serena Liss", written in black ink over a horizontal line.

Serena Liss, Special Agent
Homeland Security Investigations

Subscribed and sworn to in accordance
with Fed. R. Crim. P. 4.1 by telephone
on August 31, 2023:

A handwritten signature in cursive script, appearing to read "William E. Fitzpatrick", written in black ink over a horizontal line.

The Honorable William E. Fitzpatrick
United States Magistrate Judge
Alexandria, Virginia